



July 17, 2023

Via ECF

Hon. Katherine Polk Failla, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

MEMO ENDORSED

Re: Ramnarine v. Merfish Untied, Inc., et. al.
23 Civ. 4843 (KPF)

Dear Judge Failla:

We represent plaintiff Drupatee Ramnarine in the above referenced matter. We are requesting a 60 day adjournment of the initial case conference currently scheduled for July 26, 2023. No prior request for an adjournment has been made by counsel and defense counsel has consented to the adjournment. The reason for the request is because the plaintiff is currently on a ventilator at the Wayne Center for Nursing and Rehabilitation in Bronx, New York and cannot at this time submit to a deposition and cannot submit to a Rule 35 examination.

By way of background, this a diversity action stemming from an automobile accident which occurred on April 24, 2023 in the intersection of Castle Hill Avenue and Cross Bronx Expressway when the vehicle in which Mrs. Ramnarine was a front seated passenger was struck on the passenger side by the truck owned by defendant Merfish and operated by defendant Dawdy. The action was commenced in New York State Supreme Court Bronx County and removed to this Court by defendants. As a result, Mrs. Ramnarine—who is 63 years old—was admitted to Jacobi Hospital where she was treated for six right side rib fractures—two of which required open reduction and internal fixation and subacute right clavicular fracture. While in the hospital, Mrs. Ramnarine suffered a left lung collapse. She required a tracheostomy. After her discharge from Jacobi on June 21, 2023, she was transferred to Wayne where she is currently a patient and as set forth above, is on a ventilator.

Given Mrs. Ramnarine's current condition, we are not in a position to submit and comply with the Court's Civil Case Management Plan and Scheduling Order which under Paragraph 7(e) requires all fact discovery to be completed in 120 days. Accordingly, we request that the conference be adjourned for 60 days so that we may be in a better position to determine whether Mrs. Ramnarine's health would permit her to be deposed and submit to a Rule 35 exam and whether a scheduling order can be submitted to comply with the Court's discovery deadlines.

FOR ALL CORRESPONDENCE USE QUEENS OFFICE

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We thank the Court for its courtesies.

Respectfully,

/s/ Daniella Levi
Daniella Levi

/s/ Steven L. Sonkin
Steven L. Sonkin

CC: Via ECF

Wilson, Elser, Moskowitz, Edelman and Dicker, LLP
Scott Stopnik, Esq

Application GRANTED. The initial pretrial conference currently scheduled for July 26, 2023, is hereby ADJOURNED to **October 4, 2023, at 4:30 p.m.**

The Court wishes Mrs. Ramnarine a speedy recovery.

Dated: July 17, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE